

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MARCH 30, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Jason Kelley, Jane James, Rami Talleh, Ron Santos,
Ramona Kohlmann (recording secretary)

MINUTES: February 16, 2005
March 16, 2005

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 04-17 (GOODELL ADDITION)

APPLICANT: Brad Smith Architects, 365 B Old Newport Boulevard, Newport Beach, CA 92663
PROPERTY OWNER: Don Goodell, 16571 Channel Lane, Huntington Beach, CA 92649
REQUEST: To permit a 938 sq. ft. second-story addition to an existing 3,445 sq. ft. two-story single-family residence.
LOCATION: 16571 Channel Lane (west side of Channel Lane north of Admiralty Lane)
PROJECT PLANNER: Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary. Staff stated that the proposed project is not subject to the Infill Lot Ordinance.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. Staff stated that one telephone call was received from a neighboring property owner inquiring into the height of the proposed project. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed the site plans. Ms. Broeren confirmed with staff that changes are not proposed to the existing lot coverage and that the proposed addition will be directly over the existing dwelling.

THE PUBLIC HEARING WAS OPENED.

THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

COASTAL DEVELOPMENT PERMIT NO. 04-17 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of an addition to an existing structure, which increases the floor area less than 50 percent and involves negligible or no expansion of an existing use.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 04-17:

1. Coastal Development Permit No. 04-17 for a 938 sq. ft. second-story addition to an existing 3,445 sq. ft. two-story single-family residence conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed addition will occur on an existing developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project, as proposed, complies with all applicable development regulations, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on an existing developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT NO. 04-17:

1. The site plan, floor plans, and elevations received and dated February 11, 2005 shall be the conceptually approved design.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: MITIGATED NEGATIVE DECLARATION NO. 04-05 (BROOKHURST STREET/ADAMS AVENUE INTERSECTION IMPROVEMENTS)

APPLICANT: City of Huntington Beach, Todd Broussard, Public Works Department, 2000 Main Street, Huntington Beach, CA 92648

PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

REQUEST: To analyze the potential environmental impacts associated with the proposed construction of one right-turn pocket at each of the westbound and eastbound lanes at the intersection of Brookhurst Street and Adams Avenue. The additional turn pockets are proposed to improve traffic circulation.

LOCATION: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

PROJECT PLANNER: Jane James

Jane James, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff stated that the Environmental Assessment Committee reviewed the environmental assessment, and they determined that the mitigated negative declaration is the appropriate level of review for this project.

Staff reviewed the mitigation measures as set forth in Suggested Finding No. 2 and reviewed the dedications as accommodated by the site development plan for future development of the center.

Staff stated that one letter was received from the Environmental Board and one telephone call was received from a property owner requesting a copy of the environmental assessment. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, and staff engaged in a discussion concerning a traffic signal progression analysis. Ms. Broeren confirmed with staff that the mitigated negative declaration was published and noticed within a 300-ft. radius including the Pegasus public school and shopping center tenants.

Ms. Broeren asked staff to modify the suggested findings for approval as follows:

Suggested Finding No. 2:

Mitigation measures, ~~incorporated into the attached conditions of approval~~, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. The property on the southwest corner of the intersection at 20001 Brookhurst Street was listed on the State list as a Shell Service Station with leaking underground storage tanks. The Shell Service Station currently remains in operation and according to the Orange County Health Care Agency the site is still an active remediation project. One monitoring well is located within the area planned for street widening on Adams Avenue. Construction plans call for excavation to accommodate the additional turn lane, resulting in lowering the cap on the monitoring well. Because the exact location of underground vapors is unknown, mitigation measures to address the potential for release of vapors during construction is required. Mitigation Measure ~~H4~~ (~~Attachment No. 4~~)¹ requires the Public Works Department to coordinate construction plans with the recovery system operator (Wayne Perry Construction, Buena Park) to ensure proper repositioning of the monitoring well. Mitigation Measure ~~H2~~ (~~Attachment No. 4~~)² requires an on-site soil gas monitor during all phases of construction to detect the presence of vapors. The soil gas monitor personnel shall have the ability to halt construction and address the contamination in accordance with Orange County Health Care Agency regulations. With these mitigation measures, no significant effect on the environment will occur.

THE PUBLIC HEARING WAS OPENED.

THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

MITIGATED NEGATIVE DECLARATION NO. 04-05 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 04-05:

1. The Mitigated Negative Declaration No. 04-05, analyzing the potential environmental impacts associated with a proposal to add one right turn lane pocket to each of the westbound and eastbound lanes at the intersection of Brookhurst Street and Adams Avenue, has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. One comment letter received from the Huntington Beach Environmental Board during the comment period was considered by the Zoning Administrator prior to action on the Mitigated Negative Declaration.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. The property on the southwest corner of the intersection at 20001 Brookhurst Street was listed on the State list as a Shell Service Station with leaking underground storage tanks. The Shell Service Station currently remains in operation and according to the Orange County Health Care Agency the site is still an active remediation project. One monitoring well is located within the area planned for street

widening on Adams Avenue. Construction plans call for excavation to accommodate the additional turn lane, resulting in lowering the cap on the monitoring well. Because the exact location of underground vapors is unknown, mitigation measures to address the potential for release of vapors during construction is required. Mitigation Measure No. 1 requires the Public Works Department to coordinate construction plans with the recovery system operator (Wayne Perry Construction, Buena Park) to ensure proper repositioning of the monitoring well. Mitigation Measure No. 2 requires an on-site soil gas monitor during all phases of construction to detect the presence of vapors. The soil gas monitor personnel shall have the ability to halt construction and address the contamination in accordance with Orange County Health Care Agency regulations. With these mitigation measures, no significant effect on the environment will occur.

3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures will have a significant effect on the environment.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Prior to issuance of an encroachment permit at the southwest corner of the intersection, the Public Works Department shall coordinate construction plans with the recovery system operator (Wayne Perry Construction, Buena Park) to ensure proper repositioning of the monitoring well **(Mitigation Measure)**.
2. An on-site soil gas monitor shall be present during all phases of construction to detect the presence of vapors at the southwest corner of the intersection. The soil gas monitor personnel shall have the ability to halt construction and address the contamination in accordance with Orange County Health Care Agency regulations. Any encounter with vapors shall be immediately reported to the City of Huntington Beach Fire Department **(Mitigation Measure)**.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: VARIANCE NO. 04-05 (SHELL SERVICE STATION VARIANCE)

APPLICANT: City of Huntington Beach, Public Works Department, 2000 Main Street, Huntington Beach, CA 92648

PROPERTY OWNER: Equilon Enterprise LLC, Attention Karen Wisdom, 1100 Louisiana Street, Houston, TX 77002-5227

REQUEST: To permit the following reductions to the minimum code requirements applicable to service stations to facilitate the construction of a right turn pocket on Adams Ave at Brookhurst St: **(a)** to permit a minimum of 4.5% landscaping of the site in lieu of the minimum 10%, **(b)** to permit a 4 ft. wide landscaped planter along Adams Ave. in lieu of the minimum 6 ft, **(c)** to permit a 380 sq. ft. corner landscaped planter in lieu of the minimum 600 sq. ft, **(d)** and to permit a 7 ft. street side yard setback to the canopy and an 18 ft. street side yard setback to the pump island (along Adams Avenue) in lieu of the minimum 10 ft. and 20 ft. respectively.

LOCATION: Equilon Enterprise LLC, Attention Karen Wisdom, 1100 Louisiana Street, Houston, TX 77002-5227

PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff stated that the proposed project is processed in concurrence with Mitigated Negative Declaration No. 04-05. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff recommended approval of the proposed project based upon the suggested findings and conditions of approval.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that no written or verbal comments were received in response to the public notification.

Ms. Broeren addressed the right turn lane dedication and confirmed with the applicant, Todd Broussard, Public Works Department, that a dedication for street widening has already occurred along the Target site's street frontage.

THE PUBLIC HEARING WAS OPENED.

THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren asked staff to modify the Suggested Findings for Approval as follows:

Suggested Finding No. 1 & 2:

1. The granting of Variance No. 04-05 to permit a minimum of 4.5% landscaping of the site in lieu of the minimum 10%, a 4 ft. wide landscaped planter along Adams Ave. in lieu of the minimum 6 ft, a 380 sq. ft. corner landscaped planter in lieu of the minimum 600 sq. ft, and a 7 ft. street side yard setback to the canopy and an 18 ft. street side yard setback to the pump island (along Adams Avenue) in lieu of the minimum 10 ft. and 20 ~~ft.ft.~~, respectively, for the existing service station will not constitute a grant of special privilege inconsistent with

limitations upon other properties in the vicinity and under an identical zone classification. The proposed variance will facilitate the widening of Adams Ave. for the construction of a right turn lane on Adams Ave. at Brookhurst Street. Similar approvals have been granted to commercial properties based on the location of existing improvements on the site.

2. Because of special circumstances applicable to the subject property, including the surroundings and location of existing improvements on the site, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The location of the site at the intersection of Adams Avenue and Brookhurst Street requires that the City purchase three feet of the subject site along Adams Ave. for purposes of constructing a right turn lane from eastbound traffic on Adams Ave. to Brookhurst St. ~~The site is currently non-conforming and does not meet the minimum 10 percent landscaping of the site, minimum 10 ft. wide landscaped planters, and minimum 600 sq. ft. corner landscaping.~~ The resulting curvature in the front property line and loss of 357 sq. ft. of site area deprives the site of area currently devoted to landscaping and does not allow for compliance with the minimum street side yard setback to the canopy and pump island along Adams Avenue due to their existing location.

VARIANCE NO. 04-05 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

ENVIRONMENTAL STATUS:

The proposed project is covered by Mitigated Negative Declaration No. 04-05, which was approved by the Zoning Administrator on March 30, 2005.

FINDINGS FOR APPROVAL - VARIANCE NO. 04-05:

1. The granting of Variance No. 04-05 to permit a minimum of 4.5% landscaping of the site in lieu of the minimum 10%, a 4 ft. wide landscaped planter along Adams Ave. in lieu of the minimum 6 ft, a 380 sq. ft. corner landscaped planter in lieu of the minimum 600 sq. ft, and a 7 ft. street side yard setback to the canopy and an 18 ft. street side yard setback to the pump island (along Adams Avenue) in lieu of the minimum 10 ft. and 20 ft, respectively, for the existing service station will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The proposed variance will facilitate the widening of Adams Ave. for the construction of a right turn lane on Adams Ave. at Brookhurst Street. Similar approvals have been granted to commercial properties based on the location of existing improvements on the site.
2. Because of special circumstances applicable to the subject property, including the surroundings and location of existing improvements on the site, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The location of the site at the intersection of Adams Avenue and Brookhurst Street requires that the City purchase three feet of the subject site along Adams Ave. for purposes of constructing a right turn lane from eastbound traffic on Adams Ave. to Brookhurst St. The resulting curvature in the front property line and loss of 357 sq. ft. of site area deprives the site of area currently devoted to landscaping and does not allow for compliance with the minimum street side yard setback to

the canopy and pump island along Adams Avenue due to their existing location.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The granting of the variance will allow the construction of a right turn lane from eastbound Adams Ave. to Brookhurst St. while providing the property owner the right to continue the use and enjoyment of the property as a service station.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The subject property is currently developed with a service station. The granting of the variance will continue the use of the property as a service station and will enhance the flow of traffic at the intersection of Adams St. at Brookhurst Avenue.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property and will comply with the Circulation Element of the General Plan by allowing a right turn lane from eastbound Adams Ave. to Brookhurst St.

CONDITIONS OF APPROVAL VARIANCE NO. 04-05:

1. The site plan, floor plans, and elevations received and dated September 9, 2004, shall be the conceptually approved design.
2. The proposed project shall comply with Mitigated Negative Declaration No. 04-05 Mitigation Measures.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:50 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, APRIL 6, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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